HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.15541 of 1996

Between:

Smt. Udatha Audi Seshamma

and six others. … Petitioners

and

The District Collector, Nellore District,

Nellore and three others. … Respondents

: O R D E R :

Counsel for the Petitioner : Sri P. Sreedhar Reddy.

Counsel for Respondents 1 to 3 : Government Pleader for

Revenue.

Counsel for Respondent No.4 : None

Dated: 8th June, 2006

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This is a petition for restraining respondent Nos.1 to 3 from dispossessing the petitioners from land comprised in Survey Nos.114/1 and 114/2 situated in Village Mallur, Muthukur Mandal, Nellore District.

The petitioners have averred that the land in question is owned by them. They have constructed a fish pond which is adjacent to a community pond known as ‘Siddayya Gunta’ situated in Survey Nos.113-3 and 114-6. The grievance of the petitioners is that even though the respondents have not initiated proceedings for acquisition of their land, they are sought to be forcibly dispossessed.

Although the writ petition has been pending for almost one decade, no counter has been filed to controvert the averments contained in the affidavit of petitioner No.1 Smt. Udatha Audiseshamma. I would have adjourned the case so as to enable the respondents to file counter-affidavit subject to payment of costs, but the necessity of doing so has been obviated because, learned Government Pleader for Land Acquisition says that the petitioners will not be dispossessed except after following the procedure established by law and learned counsel for the petitioners says that this would be sufficient to redress the grievance of his clients.

In view of the statements made by the learned counsel, the writ petition is disposed of with a direction that respondents 1 to 3 shall not take any steps to forcibly dispossess the petitioners from the land in question. If they wish to utilise the land for any purpose, then, this shall be done only after initiating and completing the acquisition in accordance with law.

8th June, 2006 G.S. SINGHVI, CJ

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